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PATENT
Attorney's Docket No. F0691

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Yatin R. ACHARYA et al.)
Application No.: 09/816,333)
Filed: March 26, 2001)
For: SYSTEMS AND METHODS FOR)
EXPEDITING THE)
IDENTIFICATION OF PRIORITY)
INFORMATION FOR RECEIVED)
PACKETS)

)
ATTN: OFFICE OF PETITIONS
Group Art Unit: 2661
Examiner: Unassigned

**PETITION PURSUANT TO 37 C.F.R. § 1.53(e)(2)
AND RESPONSE TO NOTICE OF OMITTED ITEM(S) IN
A NONPROVISIONAL APPLICATION**

OFFICE OF PETITIONS

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Omitted Items(s) in a Nonprovisional Application (Exhibit A), dated May 3, 2001, the undersigned respectfully submits that page 1 of the specification was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers on March 26, 2001. Under the facts presented below, it is respectfully requested that this petition be granted and the present application be granted a filing date of March 26, 2001.

PERTINENT FACTS

The undersigned filed the present application, Serial No. 09/816,333, under 37 C.F.R. § 1.53(b) on March 26, 2001. The application was deposited at the USPTO mail window located at Crystal Plaza Two. The undersigned submits that the deposited application included page 1 (Exhibit B).

The undersigned obtained a date-stamped postcard receipt that itemized the documents being deposited at the USPTO (Exhibit C). The postcard properly indicates that an application including a specification of 19 pages was deposited at the USPTO on March 26, 2001. M.P.E.P. § 503 indicates that a postcard receipt that itemizes and properly identifies the items that are being filed serves as prima facie evidence of receipt in the USPTO of all items listed thereon on the date stamped thereon by the USPTO.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the date-stamped postcard receipt (Exhibit C) provides prima facie evidence that page 1 was received, along with the rest of the application, on March 26, 2001. It is further submitted that the present application, with or without page 1, satisfies the requirements of 37 C.F.R. § 1.53(b) for obtaining a filing date. The present application should, therefore, be granted the March 26, 2001, filing date.

The appropriate petition fee of \$130.00, pursuant to 37 C.F.R. §1.17(h), is submitted herewith.

Since Applicants are entitled to the filing date of March 26, 2001, for at least the reasons noted above, it is respectfully requested that the petition fee be refunded.

In this regard, the Commissioner is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1070. This paper is submitted in duplicate.

For at least the reasons noted above, the above-mentioned relief is respectfully requested pursuant to the provisions of 37 C.F.R. §1.53(e). Should any further questions arise with regard to the above, it is respectfully requested that the undersigned be contacted and provided with the opportunity to address any deficiencies.

If for some reason this petition is denied, it is respectfully requested that the submissions attached hereto be considered as a timely response to the Notice of Incomplete Provisional Application, dated May 3, 2001. This request should not be construed as a relinquishment of any opportunity to supplement this petition or to pursue any other remedy to which Applicants are entitled to under the law.



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PATENT TRADEMARK OFFICE

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By:

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11240 Waples Mill Road
Suite 300
Fairfax, Virginia 22030
(571) 432-0800

Date: May 16, 2001

EXHIBIT A

(NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION)

EXHIBIT B

(PAGE 1 OF THE SPECIFICATION)

EXHIBIT C

(DATE-STAMPED POSTCARD)



Inventor(s): Yatin R. ACHARYA; Bahadir ERIMLI; and Peter Ka-Fai CHOW

Appln. No.: Unassigned

Docket No.: F0691 (0020-0026)

Working Atty: PAH

Date: March 26, 2001

Title: SYSTEMS AND METHODS FOR EXPEDITING THE IDENTIFICATION OF PRIORITY INFORMATION FOR RECEIVED PACKETS

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Utility Patent Application | <input checked="" type="checkbox"/> Executed Declaration/Power of Attorney | <input checked="" type="checkbox"/> Check for \$ <u>710.00</u> is enclosed |
| <input type="checkbox"/> Design Patent | <input type="checkbox"/> Unexecuted Declaration/Power of Attorney | <input checked="" type="checkbox"/> Check for \$ <u>40.00</u> is enclosed |
| <input type="checkbox"/> Continuing Prosecution App. Req. | <input checked="" type="checkbox"/> Request for Non-Publication of Application | <input type="checkbox"/> Charge \$ <u>_</u> to Deposit |
| <input type="checkbox"/> Provisional Application Cover Sheet | <input checked="" type="checkbox"/> Assignment/Assignment Recordation (PTO-1595) | Account No. 50-1070 |
| <input type="checkbox"/> Provisional Application | <input type="checkbox"/> Claim for Convention Priority w/# cert. copy(ies) | <input type="checkbox"/> |
| <input type="checkbox"/> Continuation/Divisional App. (Rule 1.53(b)) with copy of application | <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> |
| | <input type="checkbox"/> Information Disclosure Statement Transmittal | |
| | <input type="checkbox"/> Information Disclosure Statement w/# reference(s) | |
| | <input type="checkbox"/> Information Disclosure Citation (PTO-1449) | |
| | <input type="checkbox"/> Petition for # Month Extension of Time | |
| | <input type="checkbox"/> Constructive Petition for Extension of Time | |
- APPLICATION INCLUDING:
- specification (19 pages)
- claims (20 claims)
- drawings (Fig(s). 1-7, 7 sheet(s))



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| | <input type="checkbox"/> Information Disclosure Statement w/# reference(s) | |
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j1017 U.S. PTO
09/816333



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